Web Telephony, LLC. v. Verizon Communications, Inc. et al Doc. 1 Att. 3

CIVIL COVER SHEET

2-07CV-085 DF

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFF

WEB TELEPHONY, LLC

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

DEFENDANTS

VERIZON COMMUNICATIONS, INC., a Delaware Corporation, AT&T CORP., a New York Corporation, AT&T, INC., a Delaware Corporation, EARTHLINK, INC., a Delaware Corporation, SUNROCKET CORP., a Delaware Corporation, VONAGE HOLDINGS CORP., a Delaware Corporation, and VONAGE INC., a Delaware Corporation

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT-TEXAS
MAR 14 2007

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SEAN A. LUNER
DOVEL & LUNER, LLP
201 SANTA MONICA BLVD., SUITE 600
SANTA MONICA, CA 90401
310-656-7066

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only) (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business in This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT *(PLACE AN "X" IN ONE BOX ONLY)*

CONTRACT
110 Insurance
120 Marine
130 Miller Act
140 Negotiable Instrument
150 Recovery of Overpayment & Enforcement of Judgment
151 Medicare Act
152 Recovery of Defaulted Student Loans (Excl. Veterans)
153 Recovery of Overpayment of Veteran's Benefits
160 Stockholders' Suits
190 Other Contract
195 Contract Product Liability

TORTS

PERSONAL INJURY
310 Airplane
315 Airplane Product
320 Assault Libel & Slander
330 Federal Employers Liability
340 Marine
345 Marine Product Liability
350 Motor Vehicle
355 Motor Vehicle Product Liability
360 Other Personal Injury

PERSONAL INJURY
362 Personal Injury – Med. Malpractice
365 Personal Injury – Product Liability
368 Asbestos Personal Injury Product Liability

PERSONAL PROPERY
370 Other Fraud
371 Truth in Lending
380 Other Personal Property Damage
385 Property Damage Product Liability

FORFEITURE/PENALTY
610 Agriculture
620 Other Food & Drug
625 Drug Related Seizure of Property 21 USC 881
630 Liquor Laws
640 R.R. & Truck
650 Airline Regs
660 Occupational Safety/Health
690 Other

BANKRUPTCY
422 Appeal 28 USC 158
423 Withdrawal 28 USC 157

PROPERTY RIGHTS
820 Copyrights
X 830 Patent
840 Trademark

OTHER STATUTES
400 State Reapportionment
410 Antitrust
430 Banks and Banking
450 Commerce/ICC Rates/etc.
460 Deportation
470 Racketeer Influenced and Corrupt Organizations
810 Selective Service
850 Securities/Commodities/ Exchange
875 Customer Challenge 12 USC 3410
891 Agricultural Acts
892 Economic Stabilization Act
893 Environmental Matters
894 Energy Allocation Act
895 Freedom of Information Act
900 Appeal of Fee Determination Under Equal Access to Justice
950 Constitutionality of State State Statutes
890 Other Statutory Actions

LABOR
710 Fair Labor Standards Act
720 Labor/Mgmt. Relations
730 Labor/Mgmt. Reporting & Disclosure Act
740 Railway Labor Act
790 Other Labor Litigation
791 Empl. Ret. Inc. Security Act

SOCIAL SECURITY
861 HIA (1 395ff)
862 Black Lung (923)
863 DIWC/DIWW (405(g))
864 SSID Title XVI
865 RSI (405(g))

FEDERAL TAX SUITS
870 Taxes (U.S. Plaintiff or Defendant
871 IRS – Third Party 26 USC 7609

REAL PROPERTY
210 Land Condemnation
220 Foreclosure
230 Rent Lease & Ejectment
240 Torts to Land
245 Tort Product Liability
290 All Other Real Property

CIVIL RIGHTS
441 Voting
442 Employment
443 Housing Accommodations
444 Welfare
440 Other Civil Rights

PRISONER PETITIONS
510 Motions to Vacate Sentence
HABEAS CORPUS:
530 General
535 Death Penalty
540 Mandamus & Other
550 Civil Rights
555 Prison Condition

V. ORIGIN *(PLACE AN "X" IN ONE BOX ONLY)*

☒1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge From Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

35 U.S. § 271 – Patent Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND Injunction and Demand CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ YES NO

VII. RELATED CASE(S) (See Instructions):
IF ANY

DATE March 14, 2007 SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

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